

Martin Schleske SERIAL NO: 09/935,973

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C.) Remarks

In response to the Official letter dated September 10, 2003, reconsideration of this application as amended is respectfully requested.

The double patenting rejection based on the judicially created doctrine grounded in public policy is respectfully traversed. Claims 11-14 and 17-24 have been rejected provisionally as being unpatentable over claims 6-15 of co-pending application Serial No. 09/935,975 in view of Janes et al (Janes). The examiner has stated that both sets of claims recite the use of a soundboard comprising a core plate having fibre coatings that are multidirectional. That is true with respect to the set of claims 11-14, 17-20, and 22-24, but only claim 12 of the co-pending application recites multidirectional fibres.

Although the examiner states that the difference between the constructions shown in this and the co-pending application is the use of a recess, applicant respectfully submits that a most significant difference between the two constructions, as claimed, is that the construction disclosed and claimed in this application includes the use of multiple single layer fibre coating sections. Nothing in the disclosure or claims of the co-pending application even remotely suggests the provision of such multiple sections.

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It is respectfully submitted that Janes does not disclose or suggest multidirectional fibres. On the contrary, Janes repeatedly refers to the fibres as being unidirectional. See, for example, column 5, lines 15, 19, and 27. It is inappropriate to ignore these specific disclosures of the patentee. Accordingly, modifying the construction as claimed in claims 6-15 of the copending application in view of the disclosure of Janes still would not result in a construction as recited in the relevant claims of this application.

Another distinction between applicant's construction, as claimed, and that disclosed by Janes is the provision, in applicant's construction, of multiple single layer fibre coating sections. From the drawings in the Janes patent it appears that all of the laminations are of the same size or area. Accordingly, this militates against modifying the disclosure of Janes by providing a plurality of single layer fibre coating sections, much less sections wherein the fibres are so arranged so as to be multidirectional. Accordingly, there is nothing in the disclosure in Janes which, when combined with the substance of claims 6-15 of the co-pending application, constitutes double patenting. It is respectfully submitted, therefore, that the double patenting rejection should be reconsidered and withdrawn.

The rejection of claims 11-14 and 17-24 as being unpatentable over Sawada et al (Sawada) Kamijyo, and Decker et al (Decker) also is respectfully traversed. As has been

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pointed out by the examiner, Sawada does not disclose a coating having multidirectional fibres embedded therein. However, the examiner takes the view that Kamiijyo discloses the use of multidirectional fibre embedded in a matrix and the use of a coating. The examiner acknowledges that Sawada and Kamiijyo do not disclose the use of damping zones of varying thickness. However, the examiner takes the view that Decker discloses the use of a soundboard for a musical instrument comprising a single or double layer and damping zone in a plate having different thicknesses. The examiner also takes the view that Decker discloses the use of a composite material used to make stringed musical instruments having a fibre coating distributed over the entire area of the core plate and that the fibres on the upper face of the core plate deviate from the run of the fibres on the lower face of the plate.

Figure 1 of Sawada discloses a laminated soundboard composed of a core 4, a fore plate 2, and a rear plate 3. Fore plate 2 includes a number of contiguous strips 21, 22, 23 arranged side-by-side with their grains running in the same direction. The rear plate is of similar construction. Grain directions in the fore and rear plates 2, 3 preferably are the same (column 2, lines 45-52). Therefore, neither the fibres of the fore plate or the fibres of the rear plate are multidirectional (as is acknowledged by the examiner). The same observations apply to the construction disclosed in Figure 5.

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Kamijyo discloses an electric guitar having a solid body part 2 made of fibre board 11. In contrast to an acoustic musical instrument an electric guitar does not have a soundboard. The solid fibre board 11 of the electric guitar has only a supporting purpose; it has no acoustical function.

A printed layer 12 and a transparent coating layer 13 are provided on both sides of the fibre board 11. These layers 12, 13 are provided for ornamentation purposes only (column 1, lines 46-50, column 2, lines 42-50). These layers 12, 13 have neither a structural purpose nor an acoustical function.

Neither the description nor the drawings of Kamijyo contain the slightest suggestion that the "grain pattern" forming the printed layer (column 2, lines 62, 63) is a single layer of multidirectional fibres. Accordingly, there is nothing in the Kamijyo disclosure which, even if combined with the teachings of Sawada, would lead to the construction recited in the claims of this application.

A most significant characteristic of the teachings of Sawada is that the core 4 has a definite and high elastic modulus (greater than that of the fore and rear plates). The desired acoustical characteristics are obtained by adjusting the thickness of the core 4. There is no suggestion in this reference that it might be useful (for acoustical reasons) to provide a different grain direction either within the fore or rear plate, or between the fore and rear plate, or between the core and fore/rear plate. See column 2, lines 45-52 and column 3, lines 1-4.

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The disclosure of Kamijyo is not something which properly may be relied upon for modifying the Sawada soundboard for a number of reasons, the most significant of which is that Kamijyo does not disclose a soundboard of an acoustic instrument. In this connection it will be understood that an electric guitar is not an acoustic instrument and, therefore, is not provided with a soundboard. Accordingly, the use of decorative layers on the support for an electric guitar does not suggest the provision of acoustic layers on the soundboard, much less such layers having embedded therein multidirectional fibres.

Unlike Kamijyo, Decker does disclose an acoustic instrument. The construction of the soundboard, however, is completely different from that of the present invention. The Decker construction lacks a core plate having a single layer fibre coating on at least one of the faces of the core plate. Furthermore, there is nothing in Decker which discloses or suggests a multidirectional arrangement of fibres in a single layer fibre coating.

Nothing in the disclosure of Sawada, Kamijyo, or Decker, even if combined in the manner suggested by the examiner, is illustrative or suggestive of a core plate of a soundboard having on at least one of its faces a plurality of single layer fibre coating sections composed of multidirectional fibres. Only applicant discloses this construction

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From the foregoing analysis of the disclosures of the references relied upon for the 35 USC 103 rejection of claims, and the analysis of applicant's construction, as claimed, it is respectfully submitted to be clear that the references, whether they are considered individually or in combination, do not disclose the features of applicant's construction which distinguish it over the references. Accordingly, it is respectfully submitted that claims 11-14 and 17-24 are allowable.

Newly presented claim 25 combines allowable claims 11 and 15, whereas newly presented claim 26 corresponds to claim 16, but depends on claim 25. Claims 15 and 16 have been cancelled to avoid redundancy.

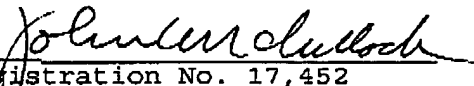
The Office is authorized to charge Deposit Account No. 50-2676 the amount of \$43 in payment of the additional independent claim fee.

It is believed this application is in condition for formal allowance. Such action is requested.

The Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 50-2676.

Respectfully submitted,

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